

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Jonathan B. New  
Robertson D. Beckerlegge  
Nexus U. Sea  
Christopher B. Gallagher

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ARLINE F. SILNA ALTMAN,

Defendant.

Adv. Pro. No. 10-04984 (SMB)

**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 10, 2010 [Dkt. No.10-04984], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on January 30, 2015 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 04984], wherein the Trustee and Defendant (the “Parties”) jointly agreed to enter mediation after the completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Melanie L. Cyganowski, from the law firm of Otterbourg, Steindler, Houston & Rosen. P.C. to act as Mediator in this matter. The Parties further agree to contact Melanie L. Cyganowski as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York  
February 20, 2015

/s/ Nicholas J. Cremona

Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehand@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Jonathan B. New  
Email: jnew@bakerlaw.com  
Robertson D. Beckerlegge  
Email: rbeckerlegge@bakerlaw.com  
Nexus U. Sea  
Email: nsea@bakerlaw.com  
Christopher B. Gallagher  
Email: cgallagher@bakerlaw.com

/s/ Howard Kleinhendler

Wachtell Missry LLP  
One Dag Hammarskjold Plaza  
885 Second Avenue  
New York, NY 10017  
(212) 909-9522  
(212) 909-9417  
Howard Kleinhendler  
Email: hkleinhendler@wmlp.com  
Sara Spiegelman  
Email: sspiegelman@wmlp.com

*Attorneys for Defendant*

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*